
Appeal Decision

Site visit made on 21 June 2016

by **B Bowker Mplan MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 September 2016

Appeal Ref: APP/L3245/W/16/3145902

Land adjacent to Lordstone Lane, Bentlawnt, Shrewsbury, Shropshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Richard Allen against the decision of Shropshire Council.
 - The application Ref 15/01120/OUT, dated 10 March 2015, was refused by notice dated 19 November 2015.
 - The development proposed is described as '*erection of a single open market dwelling*'.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The proposal is for outline planning permission with all matters reserved apart from access. The appeal has been determined on this basis.
3. Following the Court of Appeal's judgment of 11 May 2016¹, comments were sought from the parties in relation to its effect on the appeal proposal. Consequently, in this case, the Council have confirmed they no longer seek a contribution towards affordable housing. Based on all that I have read and seen, I have no reason to disagree with the Council's revised stance on this matter. As such, this decision will focus on the main issues below.
4. The Council published its Full Objectively Assessed Housing Need 2016-2036 (FOAHN) document on 4 July 2016 and comments have been sought from the parties in relation to its effect on the appeal. Accordingly, the FOAHN has been taken into account.

Main Issue

5. The main issue is whether the proposal would result in a sustainable pattern and form of development, having particular regard to local and national planning policy, the effect on the character and appearance of the area and its location within the Shropshire Hills Area of Outstanding Natural Beauty (AONB).

Reasons

6. Bentlawnt and Pentervin are to the east and west of the appeal site and form part of a Community Cluster as defined by the Site Allocations and Management of Development Plan (SAMDev). For this particular Community

¹*West Berkshire District Council and Reading Borough Council v Department for Communities and Local Government* [2015] EWHC 2222 (Admin).

- Cluster, SAMDev Policy S2 outlines a housing guideline of 15 dwellings over the plan period. However, despite the absence of development boundaries for this Community Cluster, intervening sloped fields, trees and vegetation visually separate the site from Pentervin and Bentlawnt to the west where the main built up area is. Therefore, for planning purposes, the site occupies a countryside location as classified by Shropshire Core Strategy (CS) Policy CS5.
7. Policy CS5 seeks to strictly control development in the countryside in accordance with national planning policy, and includes a list of development proposals permitted on the basis of maintaining and improving the sustainability of rural communities. SAMDev Policy MD7a also seeks to strictly control new market housing outside settlements such as Community Clusters, but does include some exceptions to this principle. However, the proposal would not meet any exception listed in the policies.
 8. SAMDev Policy MD3 is also relevant to the proposal and supports sustainable housing development on windfall sites within settlements and in the countryside; particularly when housing guidelines appear unlikely to be met. Whilst it is not clear on what progress has been made towards the Community Cluster's housing guideline of 15 dwellings, owing to the recent adoption of the SAMDev Plan, it seems likely the Council will be able to meet the housing guideline by the end of the plan period. In addition, based on the FOAHN, the contents of which have not been disputed by the appellant, the Council can demonstrate a five year housing land supply. Consequently, policies relevant to the supply of housing are not considered out of date and therefore attract full weight. Taking the above into account, the proposal would be contrary to SAMDev Policies MD3, MD7a, and CS Policy CS5.
 9. I note that National Planning Policy Framework (the Framework) paragraph 47 seeks to significantly boost the supply of housing. In addition, paragraph 55 of the Framework states housing in rural locations should be located to enhance or maintain the vitality of rural communities and not occupy an isolated location. The Council's settlement strategy is seeking to put into place these national policy objectives.
 10. The appeal site forms part of a larger agricultural field which slopes upwards towards its frontage with Lordstone Lane. Fields further west of Lordstone Lane slope down and away from the appeal site giving it an elevated position in relation to its surroundings. During my site visit, I saw that Top House and The Elms are located along Lordstone Lane and are separated from one another by some distance. This dispersed pattern of development, the hilltop setting and adjoining fields gives this particular section of Lordstone Lane an open countryside character. Consequently, I consider the development would be in an isolated location.
 11. The dwelling would be located within the Shropshire Hills AONB and whilst it would not be a noticeable building from northern vantage points, its prominent position would be appreciable from distant views, including from Rea Valley and Stripstone Ridge. Despite nearby trees, roadside hedgerows and the intended traditional design, the dwelling would also be noticeable from closer vantage points at Bentlawnt and when travelling north along Lordstone Lane. As a result, the proposal would detract from the open countryside character of its immediate surroundings and the wider landscape quality of the Shropshire Hills AONB.

12. Therefore the proposal would not result in a sustainable pattern and form of development, having particular regard to local and national planning policy, the effect on the character and appearance of the area and its location within the Shropshire Hills AONB. Consequently, the proposal is contrary to CS Policies CS4, CS5, CS6, and CS17, SAMDev policies MD3 and MD7a and paragraph 115 of the National Planning Policy Framework. Combined, these policies seek to control development in the countryside and protect local character and landscape assets such as the Shropshire Hills AONB. In particular, paragraph 115 of the Framework states that great weight should be given to conserving the landscape and scenic beauty of high status designations such as the AONB, and in this case, I have.

Other matters

13. The proposal would bring benefits in the form of supporting nearby services, increasing housing supply in a short period of time, generate construction employment, biodiversity enhancements, CIL revenue and could be a high quality sustainably designed house. The proposal could also help meet the need for two to three bedroom dwellings as outlined in the Worthen with Shelve Parish Plan. However, in this case, as the proposal is of a minor scale, these benefits are afforded modest weight only and would be outweighed by the harm identified in relation to the main issue above.
14. In coming to that view I have considered an appeal decision² regarding the Council's ability to demonstrate a five year supply of housing land. I note that a legal challenge against this appeal decision has been submitted by the Council. The appellant states that the second defendant in the High Court case regarding the Teal Drive appeal decision is proceeding. However, I understand that the Secretary of State has submitted to the judgement of the court. Therefore, with this uncertainty in mind, I cannot rely on the appeal decision in respect of the housing land supply situation in the borough. Moreover, I note the Council's FOAHN which is uncontested.
15. However, the above aside, even if the Council were unable to demonstrate a five-year supply of housing land, or were under delivering housing in rural areas, the adverse impacts identified in relation to the main issue would significantly and demonstrably outweigh the benefits identified above. Consequently, the proposal would still be unacceptable when assessed against the policies of the Framework as a whole.
16. I have also taken into account that the proposal would provide a self-build home for a young couple who are from a local family and wish to return to the area. I also note support from third parties and the Parish Council. However, whilst I can understand the wishes of the appellants, such personal circumstances seldom outweigh general planning considerations.
17. Whilst I acknowledge the appeal and planning decisions referred to by the appellant, I do not have the full details of these cases before me. However, I note that some of the decisions pre-date the adopted SAMDev, involve different proposals such as an agricultural worker's dwelling and the re-development of a former car park. Moreover, I must judge the appeal before me on its own merits.

² APP/L3245/W/15/3067596, Land at Teal Drive, Ellesmere.

Conclusion

18. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker

INSPECTOR